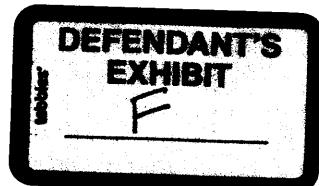


**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

T. RAWDON BEATY,)
Plaintiff,)
v.)
MERCK & CO., INC., et al.,)
Defendants.)
Case No.: _____
Removed from the Circuit
Court of Barbour County,
Alabama

DECLARATION OF TIMOTHY GRISWOLD

1. My name is Timothy Griswold. I am over twenty-one years of age, am of sound mind, and am competent to make this declaration. This declaration is based upon my personal knowledge.
2. At no time did I ever provide Vioxx® or information concerning Vioxx® directly to T. Rawdon Beaty.
3. I am not a physician and accordingly have never prescribed Vioxx®. I am also not a pharmacist and have therefore never filled a Vioxx® prescription as a pharmacist. What knowledge I had during my employment concerning Vioxx® was provided to me by my employer.
4. At no time did I have any involvement at all with the manufacture, development, or testing of Vioxx®. The physicians with whom I dealt and



on whom I called in my job were highly skilled professionals. They were, in my judgment and to the best of my knowledge, in a better position than I to make determinations concerning prescribing Vioxx®. I had no dealings at all at any time with any patients of any of the physicians on whom I called regarding Vioxx®, and I had no knowledge or information of any of those patients' medical histories, symptoms, prognoses, or courses of treatment.

5. At no time did I ever sell, offer to sell or take orders for the sale of Vioxx® to patients. Physicians upon whom I would call would write their prescriptions for Vioxx® based upon their own independent medical knowledge and judgment and I would not have direct knowledge of any specific prescriptions these physicians may have written for individual patients including but not limited to T. Rawdon Beaty.

6. I have never met nor spoken with T. Rawdon Beaty.

7. I have never made any presentations to the general public regarding Vioxx®.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 14, 2005.

Timothy Griswold
Timothy Griswold